

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

RICHARD D. LOMAX

v.

JOSEPH SHEPHERD;
CORPORAL WALKER

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NO. 2:08-CV-03

ORDER of JUDGMENT

In accordance with the accompanying memorandum, defendants' motion to dismiss is **GRANTED**, (Doc. 17), and this *pro se* prisoner's civil rights action, filed under 42 U.S.C. § 1983, is **DISMISSED** for failure to prosecute and comply with the orders of the Court. *See* Rule 41(b) of the Federal Rules of Civil Procedure. Should plaintiff file a notice of appeal, he is **DENIED** leave to appeal *in forma pauperis* because, due to his actions, as discussed in the memorandum, any appeal from this decision would not be taken in good faith and would be frivolous. *See* 28 U.S.C. § 1915(a)(3).

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Patricia L. McNutt
CLERK OF COURT